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10/706,629	11/12/2003	Joseph D. Wong	10013526-1	7991

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EXAMINER

REZA, MOHAMMAD W

ART UNIT	PAPER NUMBER
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2136

NOTIFICATION DATE	DELIVERY MODE
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04/15/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/706,629	Applicant(s) WONG, JOSEPH D.	
	Examiner MOHAMMAD W. REZA	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the arguments filed on 02/19/2008.
2. Claims 1, 4-24 are pending in the application.
3. Claims 1, 4-24 have been rejected.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/19/2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 4-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

invention. These claims has the limitations "**....collecting and analyzing steps to one or more other enterprises that interconnect the computing environment of other different organizations of people who may also be widely distributed, these one or more other enterprises together forming a relevant peer group of other different organizations of people**". Examiner could not find any places in the specification of present application that support this amendment. Secondly, "**where a peer group is defined to be a group of one or more enterprises assigned to the same business category_ as the first enterprise, enterprises involved in the same (or a similar) industry or business as the first enterprise, enterprises having computers configured similarly to the first enterprise's computers, or enterprises required to comply with the same security standards as the first enterprise, or a combination of these**". Examiner could not find any where in the present application that supports this definition of the peer group. Thirdly, "**where the term enterprise is defined to be a collection of computers, software, and networking that interconnects the computing environment of an organization of people who may be widely distributed geographically**" does not have any written support in the present application. Examiner requests to make the necessary correction.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 4-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. In these claims applicants mention “**may also be**”, and “**who may be**” which is generally narrative and indefinite with the invention.

Applicants do not point out clearly which options include in the present invention by these two terms. So this terms is indefinite with the present application. The examiner will interpret these terms and limitations with the regarding claims as best understood for applying the appropriate art for rejection purposes. Appropriate correction needs to overcome the rejection.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 4-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineman et al hereafter Lineman (US Patent Application 20030065942) in view of Smith et al hereafter Smith (US Patent Application 20040068431).

9. As per claim 1, Lineman discloses a method comprising: collecting security information from the computers of the first enterprise under audit; analyzing the security

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information and providing a first result of this analysis (paragraph, 0068); and comparing this first result with a second result comprising information derived from information previously obtained through application of the collecting and analyzing steps to one [[two]] or more other enterprises that interconnect the computing environments of other different organizations of people who may also be widely distributed, these one or more other enterprises together forming a relevant peer group of other different organizations of people, the result of this comparing step indicating the relative security of the first enterprise under audit relative to that of the peer group of one or more other enterprises (paragraphs, 0034, 0083, 0085-0089, and 0096); where a peer group is defined to be a group of one or more enterprises assigned to the same business category_ as the first enterprise, enterprises involved in the same (or a similar) industry or business as the first enterprise, enterprises having computers configured similarly to the first enterprise's computers, or enterprises required to comply with the same security standards as the first enterprise, or a combination of these (paragraph, 0026). Lineman discloses the systems from three different platforms groups 20, 22, and 24 where each one of the platforms has their own group of personal computers 50 form the three individual enterprises environments same as the claim limitations defining the enterprise formation (figure, 1). Further, examiner cites Smith to show that comparing the audit report with other companies as this application does is not novel idea in the network security art. Smith teaches to evaluate the performance of any company, its audit report can be compared with other companies (paragraph, 0010).

Accordingly, it would be obvious to one of ordinary skill in the network security art at the time of invention was made to have incorporated Smith's teachings of a method to compare the evaluation reports between the companies with the teachings of Lineman, for the purpose of suitably using the concept of analyzing and comparing the audit reports of different companies (paragraph, 0010).

10. As per claim 4, 5 Lineman discloses the method comprising the step of generating at least one report that presents the first and second results arranged in a way that facilitates their comparison, wherein the generating step includes presenting the first and second results each broken down into several results relating to several different area of security, with a first and a second result presented for each different area of security and arranged in a way that facilitates their comparison (paragraphs, 0034, 0083, 0085-0089, and 0096).

11. As per claim 6-8 Lineman discloses the method comprising wherein, in the generating step, the results relating to several different areas of security comprise results arising from analysis of personnel security information and physical security information, at least some of the information included in the first result having been gathered using interviews during the collecting step, wherein, in the generating step, the results relating to several different areas of security comprise results arising from analysis of password security information and file access permission security information, wherein, in the generating step, the results relating to several different areas of security further comprise results arising from analysis of personnel security information and physical security information, at least some of the information included

in the first result having been gathered using interviews during the collecting step (paragraphs, 0034, 0083, 0085-0089, and 0096).

12. As per claim 9-11 Lineman discloses the method comprising wherein, in the generating step, the several different areas of security comprise one or more results of analysis of computer configuration security information and one or more results of analysis of security information gathered using interviews, in the generating step, the one or more results of analysis of computer configuration security information comprise results arising from analysis of password security information, wherein, in the generating step, the one or more results of analysis of computer configuration security information comprises results arising from analysis of file access permission security information (paragraphs, 0034, 0083, 0085-0089, and 0096).

13. As per claim 12-14 Lineman discloses the method comprising wherein the generating step generates at least two comparative reports in different formats for different requesting parties or uses, and in particular one for technical experts that includes technical language and details and another for non-technical-experts that substantially excludes technical language and details, generating and executing commands to alter the security information of one or more computers to improve system security in at least some cases when the analysis or comparison or both indicate security is in need of improvement. comprising; generating at least one report that presents the first and second results arranged in a way that facilitates their comparison (paragraph, 0068).

14. As per claim 15-16 Lineman discloses the method comprising wherein the generating commands step generates commands which force the deactivation or correction of one or more passwords when the analysis or comparison or both indicate that these one or more passwords are not sufficiently secure, wherein the generating commands step generates commands which force alteration of one or more configuration file or control file access permissions if the analysis or comparison or both indicate that the access permissions assigned to these one or more files do not provide adequate system security (paragraphs, 0034, 0083, 0085-0089, and 0096).

15. As per claim 17 Lineman discloses a system comprising: a plurality of computers ~ within the first enterprise under audit; collectors associated with the computers and arranged to collect from the computers ~ information concerning the security of the first enterprise under audit; a security analyzer arranged to analyze the information concerning the security of the first enterprise under audit and to provide a first result of this analysis (paragraph, 0068); a data base containing a second result comprising information derived from information previously obtained through application of the collectors and security analyzer to one [[two]] or more other enterprises that interconnect the computing environments of other different organizations of people who may also be widely distributed, these one or more other enterprises together forming a relevant peer group of other different organizations of people; and a comparison mechanism arranged to compare the first and second results to determine the relative security of the first enterprise under audit in comparison to that of the one or more enterprises of other different organizations of people in the

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relevant peer group (paragraphs, 0034, 0083, 0085-0089, and 0096); where a peer group is defined to be a group of one or more enterprises assigned to the same business category as the first enterprise, enterprises involved in the same (or a similar) industry or business as the first enterprise, enterprises having computers configured similarly to the first enterprise's computers, or enterprises required to comply with the same security standards as the first enterprise, or a combination of these (paragraph, 0026). Lineman discloses the systems from three different platforms groups 20, 22, and 24 where each one of the platforms has their own group of personal computers 50 from the three individual enterprises environments same as the claim limitations defining the enterprise formation (figure, 1). Further, examiner cites Smith to show that comparing the audit report with other companies as this application does is not novel idea in the network security art. Smith teaches to evaluate the performance of any company, its audit report can be compared with other companies (paragraph, 0010).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 17.

16. As per claim 18-19 Lineman discloses a system to which is added: a report generator that generates at least one report which presents the first and second results arranged each broken down into several results relating to several different areas of security, with a first and second result presented for each different area of security and arranged in a way that facilitates their comparison, change agents associated with the computers and able to execute commands that alter computer configuration information; and a command generator that provides commands to the change agents on selected

computers to alter computer configuration information to improve system security in response to the analyzer or comparison mechanism or both determining security improvements are needed (paragraphs, 0034, 0083, 0085-0089, and 0096).

17. As per claim 20-21 Lineman discloses a system wherein the command generator includes a mechanism that can generate commands which, when executed, cause one or more of the change agents to force the deactivation or correction of one or more secure passwords if the security analyzer or comparison mechanism or both determine that one or more passwords are not sufficiently secure, and wherein the command generator includes a mechanism that can generate commands which, when executed, cause one or more of the change agents to force the alteration of the access permissions of one or more configuration files or control files if the security analyzer or comparison mechanism or both determine that the access permissions assigned to one or more such files do not provide sufficient security (paragraphs, 0034, 0083, 0085-0089, and 0096).

18. As per claim 22 Lineman discloses a system comprising: a plurality of computers within the first [[an]] enterprise under audit; collector means associated with the computers for collecting information from the computers concerning the security of the first enterprise under audit; security analyzer means for analyzing the information concerning the security of the first enterprise under audit and for providing a first result of this analysis (paragraph, 0068); data base means for storing and for presenting a second result comprising information derived from information previously obtained through application of the collector means and security analyzer means to one [[two]] or

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more other enterprises that interconnect the computing environments of other different organizations of people who may also be widely distributed, these one or more other enterprises together forming a relevant peer group of other different organizations of; and comparison means for comparing the first and second results to determine the relative security of the first enterprise under audit in comparison to that of the one or more enterprises of other different organizations of people in the relevant peer group (paragraphs, 0034, 0083, 0085-0089, and 0096); where a peer group is defined to be a group of one or more enterprises assigned to the same business category as the first enterprise, enterprises involved in the same (or a similar) industry or business as the first enterprise, enterprises having computers configured similarly to the first enterprise's computers, or enterprises required to comply with the same security standards as the first enterprise, or a combination of these (paragraph, 0026). Lineman discloses the systems from three different platforms groups 20, 22, and 24 where each one of the platforms has their own group of personal computers 50 form the three individual enterprises environments same as the claim limitations defining the enterprise formation (figure, 1). Further, examiner cites Smith to show that comparing the audit report with other companies as this application does is not novel idea in the network security art. Smith teaches to evaluate the performance of any company, its audit report can be compared with other companies (paragraph, 0010).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 22.

19. As per claim 23-24 Lineman discloses a system to which is added report generation means for generating at least one report which presents the first and second results each broken down into several results relating to several different areas of security, with a first and second result presented for each different area of security and arranged in a way that facilitates their comparison, and to which is added change agent means associated with the computers e, odes for executing commands that alter computer node configuration information; and command generator means for providing commands to the change agent means on selected computers as needed to alter system configuration information to improve system security in response to the security analyzer means or the comparison means or both determining that security improvements are needed (paragraphs, 0034, 0083, 0085-0089, and 0096).

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad w. Reza whose telephone number is 571-272-6590. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOAZZAMI NASSER G can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Wasim Reza

AU 2136

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136